

**CONTROLLED SUBSTANCES BOARD
MADISON, WI
MINUTES
AUGUST 6, 2003**

PRESENT: Yvonne Bellay, Robert Block, Doug Englebert, R.Ph; Thomas Rudy, Ph.D.

STAFF PRESENT: Thomas Ryan, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher and DOE Staff for portions of the meeting.

EXCUSED: Cynthia Benning

GUESTS: Tony Driessen, American Chemistry Council
Michael Grafton, Drug Enforcement Administration
Bob Gagne, Orphan Medical

CALL TO ORDER

Thomas Rudy, Vice Chair, called the meeting to order at 9:00 a.m. A quorum of 4 members was present.

AGENDA

Additions to agenda: 2004 Meeting dates
Clearinghouse Rule 03-056
Clearinghouse Rule 03-057
WI State Crime Lab Drug Summary

MOTION: Robert Block moved, seconded by Yvonne Bellay, to approve the agenda with additions. Motion carried unanimously.

MINUTES OF JUNE 24, 2003

Amendment: Correct the motion on page 3 re: Husan Mukhtar, University of Wisconsin-Dermatology.

MOTION: Thomas Rudy moved, seconded by Doug Englebert, to approve the SUA request of Husan Mukhtar, University of Wisconsin-Dermatology, and to approve the 10ml bottle of ketamine hydrochlorine to cover a three year period. Motion carried unanimously.

MOTION: Robert Block moved, seconded by Doug Englebert, to approve the minutes of June 24, 2003 as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Tom Ryan gave the Administrative Report. Mr. Ryan advised the Board that the Department will be moving offices within the building. The front corner of the building will be renovated and modernized to improve workspace and update Board rooms within the next year. Deputy Secretary Schlaefer negotiated favorable lease terms that minimize expenses and maximize improvements in tight fiscal times. Mr. Ryan also discussed the fee study submitted to the legislature during budget deliberations and the additional required cuts that the department has been asked to make. The department is reviewing cost saving measures as a result of the budget cuts, such as reduced printing and postage. The department has also limited Department and Board travel. The department is currently scheduling 2004 Board meeting dates, and will have a tentative schedule available at a future meeting.

PUBLIC HEARING ON PROPOSED RULE TO TRANSFER BUPRENORPHINE FROM SCHEDULE V TO SCHEDULE III OF THE CONTROLLED SUBSTANCES ACT

A public hearing was held on proposed rules relating to rescheduling buprenorphine from a schedule V controlled substance to a schedule III controlled substance, under the Uniform Controlled Substances Act. No public comments were presented at the hearing.

MOTION: Robert Block moved, seconded by Yvonne Bellay, to accept the changes to Clearinghouse Rule 03-056, per the Clearinghouse Report to the Agency, and to approve its submission to the legislature. Motion carried unanimously.

PUBLIC HEARING ON PROPOSED RULE TO ADD GAMMA-HYDROXYBUTRIC ACID (GHB) TO SCHEDULE III OF THE CONTROLLED SUBSTANCES ACT

A public hearing was held on proposed rules relating rescheduling gamma-hydroxybutric acid (GHB) to a schedule III controlled substance, under the Uniform Controlled Substances Act. No public comments were presented at the hearing.

MOTION: Robert Block moved, seconded by Yvonne Bellay, to accept the changes to Clearinghouse Rule 03-057, per the Clearinghouse Report to the Agency, and to approve its submission to the legislature. Motion carried unanimously.

REQUEST FOR LEGISLATION – GBL, BDO – REVIEW AND DISCUSSION

The Board noted the letter sent to the State Attorney General's office by Board Chair Cynthia Benning, proposing revisions to Wis. Stats. § 961.14(5) on GHB, GBL, and BDO.

The Board Vice Chair decided the Request for Legislation should be revised.

The proposed edits:

1) Gamma-butyrolactone (commonly known as “GBL”) is currently a scheduled I controlled substance in Wisconsin. There are legitimate industrial uses for this substance. Under current law no statutory exemption exists for legitimate use, therefore, in order to use or possess GBL for lawful purposes, a user must obtain a special use authorization from the CSB pursuant to Wis. Stat. § 961.335. It is a goal of the proposed legislation to create an exemption for legitimate industrial use of GBL.

2) 1,4 Butanediol is not currently regulated. In the human body, it is metabolized to GHB, which is currently classified as a schedule I controlled substance. Therefore, the CSB believes that 1,4 Butanediol should be scheduled in Wisconsin as a schedule I substance. However, there are legitimate industrial uses for BDO. It is the goal of the proposed legislation to place BDO in schedule I and to create an exemption for legitimate industrial use.

Tom Ryan advised the Board that a fiscal estimate will be attached, and then it will be submitted for legislative drafting by the agency’s Executive Assistant.

MOTION: Robert Block moved, seconded by Doug Englebert, to correct the Request for Legislation language covering GBL and 1,4 Butanediol, and send the request to the DRL Executive Assistant. Motion carried unanimously.

SPECIAL USE AUTHORIZATION APPLICATIONS

DAVID BAKER – MARQUETTE UNIVERSITY

MOTION: Yvonne Bellay moved, seconded by Robert Block, to approve the SUA request of David Baker, Marquette University. Motion carried unanimously.

DUANE BROESCH, SAUK COUNTY HUMANE SOCIETY

MOTION: Yvonne Bellay moved, seconded by Doug Englebert, to approve the SUA request of Duane Broesch, Sauk County Humane Society. Motion carried unanimously.

HARLAN SPRAGUE DAWLEY INC. (5 LOCATIONS)

MOTION: Yvonne Bellay moved, seconded by Robert Block, to approve the SUA request of Harlan Sprague Dawley, Inc. at five locations: Oregon, Blue Mounds, Verona, Holtzman Road, Madison; and Seminole Hwy, Madison. Motion carried unanimously.

VETERINARY EXAMINING BOARD RULE RE; EMERGENCY MEDICAL KITS - DISCUSSION

The Board had a discussion about the regulation of the possession of emergency kits containing controlled substances, for emergency use. The Board reviewed the two options that were provided by the Drug Enforcement Administration, and are currently under consideration by the Veterinary Examining Board. After discussion, the Board decided to concur with option two, which would require the VEB to draft regulations requiring the deer farm owner to execute a written contract with a registered veterinarian to supply the needed controlled substances for the emergency kit and mandate that the responsibility for the kit remain with the veterinarian. This option would also require that the veterinarian maintain a DEA registration at the location of the deer farm.

MOTION: Yvonne Bellay moved, seconded by Robert Block, to concur with the VEB on their approach, per option two as provided in the letter from the Drug Enforcement Administrative. Motion carried unanimously.

DOE MONTHLY DRUG THEFT AND LOSS REPORT

The Board noted the DOE Monthly Drug Theft and Loss Report. Michael Grafton explained to the Board that the new measures taken on the DOE Monthly Drug Theft and Loss Report require a pharmacy to fill out a DEA 106 form, with a plan explaining how they plan to correct their problem situation.

DRUG SUMMARY REPORTS

Noted.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted.

INFORMATIONAL ITEMS

The Board noted the NABP Proposed Rules to Allow Electronic Orders for Controlled Substances and to Implement the Drug Addiction Treatment Act of 2000.

ADJOURNMENT

MOTION: Doug Englebert moved, seconded by Robert Block, to adjourn the meeting at 10:20 a.m. Motion carried unanimously.

Next Meeting: Wednesday, October 1, 2003 – 9:00 a.m., Room 179A